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Meredith R. Miller, Esq.

Miller Law, PLLC
167 Madison Avenue, Suite 503
New York, NY 10016

Tel: (347) 878-2587

Fax: (866) 495-6719

meredith@millerlaw.nyc

MEMO ENDORSED

August 14, 2024

Via ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

The Court is in receipt of Plaintiff's request and Defendants' subsequent response. Plaintiff's request is hereby denied. SO ORDERED.

Edgardo Ramos, U.S.D.J.

Dated: August 26, 2024

New York, New York

Re: ***Milanes v. General Holding LLC, et al.***
Case No. 23-cv-11311(ER)

Dear Judge Ramos:

We are co-counsel for Named Plaintiff Ramon Milanes ("Plaintiff") in the above-referenced matter, which is a putative class and collective action asserting overtime claims under the Fair Labor Standards Act ("FLSA") and overtime and minimum wage claims under the New York Labor Law ("NYLL"). We write to respectfully request that the Court vacate the March 29, 2024 order of reference to mediation (dkt. 26) ("Mediation Referral Order").

Plaintiff and Plaintiff's counsel have diligently adhered to the Mediation Referral Order and have proposed and put a hold on several potential dates for the mediation. However, during the eleven weeks since the Court issued the Mediation Referral Order, Defendants have been repeatedly either unwilling or unable to so much as confirm a date for the mediation. Further, Defendants have not produced a single document pursuant to the Mediation Referral Order and, therefore, Plaintiff is not in a position to meaningfully assess whether there is any prospect for a negotiated resolution of the matter in mediation.

Plaintiff shared this letter in substantially the form above with Defendants' counsel and the assigned mediator on Friday, August 9. In prompt response, the mediator reminded the parties of their obligations under the Mediation Referral Order, and also asked that Defendants' counsel provide Plaintiff with the courtesy of a response to the several unanswered emails about scheduling the mediation, as well as this letter to the Court. As of this writing, Defendants' counsel still has not responded to Plaintiff's communications.

Simply put, Defendants' failure to comply with the Mediation Referral Order has occasioned prejudicial delay, and we ask that the Mediation Referral Order be vacated so that the matter may proceed.

Honorable Edgardo Ramos
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Meredith R. Miller', written in a cursive style.

Meredith R. Miller

cc: All Counsel of Record (*Via ECF only*)
Mediator Steven M. Bierman (*Via ECF only*)